

0309238835338001

LAW OFFICES  
**LAWRENCE BERNSTEIN**  
SUITE 700  
1818 N STREET, N.W.  
WASHINGTON, D.C. 20036

TELEPHONE  
(202) 296-1800  
FACSIMILE  
(202) 331-9306

August 10, 2004

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OF COUNSEL TO  
CONLON, FRANTZ,  
PHELAN & PIRES  
FINANCIAL OPERATIONS  
CENTER  
lawberns@erois.com

Mr. Mark Reger  
Chief Financial Officer  
Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW Room 1-A625  
Washington, D.C. 20554

Re: Request for Refund of Regulatory Fees  
Station KOZN(AM), Bellevue, Nebraska  
Facility ID: 87182 FRN: 0002-42-8258  
2002: \$2,525.00  
2003: \$2,925.00

Dear Mr. Reger:

Waitt Radio, Inc. ("Waitt"), licensee of expanded band AM station KOZN, 1620 KHz, Bellevue, Nebraska, by its attorney, hereby requests a refund of the regulatory fees it paid for KOZN in 2002 and 2003, totaling \$5,450.00.

Waitt has learned that it is Commission policy not to assess regulatory fees for expanded band AM stations.

This hitherto unknown policy came to light during the preparations for Waitt's 2004 regulatory fee payments. The FCC website page providing online fee information for media properties, [www.fccfees.com/request\\_all.htm](http://www.fccfees.com/request_all.htm), indicates that KOZN may be fee-exempt. The undersigned promptly initiated a series of telephone calls to various officials in the Managing Director's Office. A senior official in the Office ultimately confirmed that the Commission has determined that expanded band AM stations like KOZN are exempted from annual regulatory fees.

Because this policy has not previously been published, Waitt has paid regulatory fees for KOZN for the years 2002 (\$2,525.00) and 2003 (\$2,925.00).

Annexed hereto are Waitt's Remittance Advice forms (Form 159) for 2002 and 2003. Each bears the FCC/Mellon stamp for that year. Since Waitt is a group owner

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having numerous broadcast licenses, it paid the 2002 and 2003 regulatory fees for KOZN along with those of its other stations by means of a single check for the gross amount due that year. A copy of each check is attached to the Remittance Advice forms. In the 2002 Remittance Advice, Waitt's \$2,525.00 payment for KOZN appears on page 7 (item 23B). In the 2003 Remittance Advice, the \$2,925.00 KOZN payment may be seen on page 4 (item 23C).

Waitt is therefore entitled to a refund totaling \$5,400.00 for these previous KOZN regulatory fee payments.

Kindly send the refund check(s), payable to Waitt Radio, Inc., either to the undersigned or to the following address:

John Schuele  
Chief Financial Officer  
Waitt Radio, Inc.  
1125 South 103<sup>rd</sup> Street  
Suite 200  
Omaha, NE 68124

Should you have any questions concerning this matter, please direct them to the undersigned.

Sincerely yours,

**WAITT RADIO, INC.**

By: \_\_\_\_\_



Lawrence Bernstein

Its Attorney

Enclosures

cc: Ms. Claudette Pride (1-A821)  
Mr. Michael J. Delich  
Mr. John Schuele  
Mr. Michael Hendrickson